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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,681	12/10/2001	Yoshimichi Kudo	16869S-038800US	9306

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EXAMINER	
PAN, JOSEPH T	
ART UNIT	**PAPER NUMBER**
2135	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/006,681	KUDO ET AL.	
	Examiner	Art Unit	
	Joseph Pan	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of: and translation documents

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/10/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant has filed the sworn translation of foreign priority document, which antedated the prior art Ishimura and Kawamoto. Newly prior art has found during an updated search. The Office regrets for any inconvenience due to the applicant.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traw et al. (U.S. Patent No. 6,542,610 B2) in view of Severt et al. (U.S. Patent No. 5,602,750).

Referring to claim 1:

i. Traw et al. teach:

A stream data recording and playback apparatus comprising:

interface means for transmitting and receiving stream data and data for control (see figure 6, element "IEEE 1394 Interface" of Traw et al.);

a built-in or removable recording medium for recording received data (see figure 7 of Traw et al.);

encrypting means for performing a scramble process of data to be transmitted (see figure 6, element 606 of Traw et al.);

decrypting means for performing a de-scramble process of the received data (see figure 7, element 708 of Traw et al.),

whereby key information (see figure 6, element "Channel key" of Traw et al.) for the scramble process or de-scramble process is interchanged by performing, through said interface means, an authentication process (see figure 6, element 604 of Traw et al.) between the present apparatus and another apparatus for transmission or reception of stream data, data obtained by controlling the de-scramble process in accordance with copy control information (see figure 6, element "Copy Protection Requirements"; and column 10, lines 11-23 of Traw et al.) added to the received stream data and information based on the copy control information are recorded on said recording medium, and stream data obtained by controlling the scramble process by said encrypting means in accordance with the information based on the copy control information read out of said recording medium and the copy control information are transmitted through said interface means,

wherein when the data de-scrambled by said decrypting means and thereafter recorded on said recording medium is read, scrambled by said encrypting means and transmitted as stream data from said interface means, the copy control information added to said stream data to be transmitted can be changed at any time via the control channel(s) between the source device and destination device(s) (see column 10, lines 11-23 of Traw et al.).

However, Traw et al. do not specifically mention deleting said data after said data is read out.

ii. Severt et al. disclose an apparatus for providing results of electrical tests correlated with location information, where the results file manager deletes the data from the current result location (see column 10, lines 49-56 of Severt et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Severt et al. into the system of Traw et al. to delete the data when the data is read out.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Severt et al. into the system of Traw et al. to delete the data

when the data is read out, because multimedia application may include materials such as audio, video or graphic elements that are subject to copy-right or contractual restrictions as to use, distribution or the like (see column 1, lines 23-26 of Traw et al.).

Referring to claim 2:

Traw et al. and Severt et al. teach the claimed subject matter: A stream data recording and playback apparatus (see claim 1 above). Traw et al. further disclose updating the copy control information (see column 10, lines 11-23 of Traw et al.).

Referring to claim 3:

i. Traw et al. teach:

A stream data recording and playback apparatus comprising:

interface means for transmitting and receiving stream data and data for control (see figure 6, element "IEEE 1394 Interface" of Traw et al.);

a built-in or removable recording medium for recording received data (see figure 7 of Traw et al.);

encrypting means for performing a scramble process of data to be transmitted (see figure 6, element 606 of Traw et al.);

decrypting means for performing a de-scramble process of the received data (see figure 7, element 708 of Traw et al.),

whereby a channel (see e.g. figure 2, elements 202, 204 of Traw et al.) is established which is adapted to transmit the stream data onto a bus signal line connected to said interface means to permit data to be interchanged between the present apparatus and another apparatus, key data (see figure 6, element "Channel Key" of Traw et al.) is interchanged which is necessary for carrying out authentication between the present apparatus and the transmission destination apparatus so as to cause said encrypting means to perform a scramble process of data to be transmitted on said channel or so as to cause said decrypting means to de-scramble the data, data obtained by controlling the de-scramble process in accordance with copy control information (see column 10, lines 11-23 of Traw et al.) added to the received stream data and information based on the copy control information are recorded on said recording medium, and stream data obtained by controlling the scramble process by

said encrypting means in accordance with information based on the copy control information read out of said recording medium and the copy control information are transmitted through said interface means,

wherein the data recorded on said recording medium is subjected to the scramble process by using said key data by means of said encrypting means and thereafter transmitted as stream data from said interface means through said channel, and authentication between the present apparatus and an apparatus other than the transmission destination apparatus is rejected during the transmission of said stream data (see figure 6, element 604 of Traw et al.).

However, Traw et al. do not specifically mention deleting said data after said data is read out.

ii. Severt et al. disclose an apparatus for providing results of electrical tests correlated with location information, where the results file manager deletes the data from the current result location (see column 10, lines 49-56 of Severt et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Severt et al. into the system of Traw et al. to delete the data when the data is read out.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Severt et al. into the system of Traw et al. to delete the data when the data is read out, because multimedia application may include materials such as audio, video or graphic elements that are subject to copy-right or contractual restrictions as to use, distribution or the like (see column 1, lines 23-26 of Traw et al.).

Referring to claim 4:

i. Traw et al. teach:

A stream data recording and playback apparatus comprising:

interface means for transmitting and receiving stream data and data for control (see figure 6, element "IEEE 1394 Interface" of Traw et al.);

a built-in or removable recording medium for recording received data (see figure 7 of Traw et al.);

encrypting means for performing a scramble process of data to be transmitted (see figure 6, element 606 of Traw et al.);

decrypting means for performing a de-scramble process of the received data (see figure 7, element 708 of Traw et al.),

whereby a channel (see figure 2, elements 202, 204 of Traw et al.) is established which is adapted to transmit stream data onto a bus signal line connected to said interface means to permit data to be interchanged between the present apparatus and another apparatus, key data (see figure 6, element "Channel Key" of Traw et al.) is interchanged which is necessary for carrying out authentication between the present apparatus and the transmission destination apparatus so as to perform a scramble process of data to be transmitted on said channel or so as to de-scramble the data, data obtained by controlling the de-scramble process in accordance with copy control information (see column 10, lines 11-23 of Traw et al.) added to stream data received by said interface means and information based on copy control information are recorded on said recording medium, stream data obtained by controlling the scramble process by information based on the copy control information read out of said recording medium and said copy control information are transmitted through said interface means,

wherein a second channel (see figure 2, elements 208, 210 of Traw et al.) other than the channel that has already been established is established, key data (see figure 6, element "Channel Key" of Traw et al.) is interchanged which is necessary for carrying out authentication between the present apparatus and the transmission destination apparatus so as to perform a scramble process of data to be transmitted on said second channel or so as to de-scramble the data, the data recorded on said recording medium is subjected to the scramble process by using said key data and thereafter transmitted as stream data from said interface means through said second channel while being added with the same copy control information (see column 10, lines 11-23 of Traw et al.) as that used when said data is recorded, and authentication (see figure 6, element 604 of Traw et al.) tried by another apparatus to possess in common the key data used for said second channel is rejected during the stream data transmission on said second channel.

However, Traw et al. do not specifically mention deleting said data after said data is read out.

ii. Severt et al. disclose an apparatus for providing results of electrical tests correlated with location information, where the results file manager deletes the data from the current result location (see column 10, lines 49-56 of Severt et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Severt et al. into the system of Traw et al. to delete the data when the data is read out.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Severt et al. into the system of Traw et al. to delete the data when the data is read out, because multimedia application may include materials such as audio, video or graphic elements that are subject to copy-right or contractual restrictions as to use, distribution or the like (see column 1, lines 23-26 of Traw et al.).

Referring to claim 5:

Traw et al. and Severt et al. teach the claimed subject matter: A stream data recording and playback apparatus (see claim 4 above). Traw et al. further disclose when said second channel is established, the channel that has already been established for transmission of the stream data is broken and stream transmission by only the second channel is carried out (see figure 2, elements 212, 214 of Traw et al.).

Referring to claim 6:

Traw et al. and Severt et al. teach the claimed subject matter: A stream data recording and playback apparatus (see claim 4 above). Traw et al. further disclose the data packet (see column 11, lines 20-23 of Traw et al.).

Referring to claim 7:

Traw et al. and Severt et al. teach the claimed subject matter: A stream data recording and playback apparatus (see claim 4 above). Traw et al. further disclose using two channels to transmit stream data (see figure 8, elements "Content Channel A", "Content Channel C" of Traw et al.).

Referring to claim 8:

Traw et al. and Severt et al. teach the claimed subject matter: A stream data recording and playback apparatus (see claim 4 above). Traw et al. further disclose recording apparatus and display apparatus (see column 3, lines 42-46 of Traw et al.).

Referring to claims 9-11:

Traw et al. and Severt et al. teach the claimed subject matter: A stream data recording and playback apparatus (see claim 3 above). Traw et al. further disclose transmitting to said transmission destination apparatus commands during transmission of said stream data, and receiving responses from the destination apparatus (see figure 6, element "Encrypted Content/Commands" of Traw et al.).

Referring to claim 12:

Traw et al. and Severt et al. teach the claimed subject matter: A stream data recording and playback apparatus (see claim 3 above). Traw et al. further disclose the display means (see column 2, lines 64-67; and column 3, lines 1-9 of Traw et al.).

Referring to claim 13:

i. Traw et al. teach:

A stream data recording and playback apparatus having interface means (see figure 6, element "IEEE 1394 Interface" of Traw et al.) for transmitting and receiving stream data and copy control information data, whereby key information (see figure 6, element "Channel Key" of Traw et al.) for a scramble process or a de-scramble process is interchanged by performing an authentication process between the present apparatus and another apparatus for transmission or reception of stream data and the stream data is recorded on or played back from a built-in or removable recording medium,

wherein when received data is recorded on the recording medium after decrypted and de-scrambled and the recorded data is read out, encrypted and scrambled so as to be transmitted as stream data from said interface means, copy control information added to said stream data to be transmitted can be changed at any time via the control channel(s) between the source device and destination device(s) (see column 10, lines 11-23 of Traw et al.).

However, Traw et al. do not explicitly mention deleting said data after said data is read out.

ii. Severt et al. disclose an apparatus for providing results of electrical tests correlated with location information, where the results file manager deletes the data from the current result location (see column 10, lines 49-56 of Severt et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Severt et al. into the system of Traw et al. to delete the data when the data is read out.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Severt et al. into the system of Traw et al. to delete the data when the data is read out, because multimedia application may include materials such as audio, video or graphic elements that are subject to copy-right or contractual restrictions as to use, distribution or the like (see column 1, lines 23-26 of Traw et al.).

Referring to claims 14-15:

Traw et al. and Severt et al. teach the claimed subject matter: A stream data recording and playback apparatus (see claim 1 above). Traw et al. further disclose the disc and disc drive (see column 12, line 67; and column 13, lines 1-6 of Traw et al.).

Referring to claim 16:

i. Traw et al. teach:

A method of transferring stream data used in a stream data recording and playback apparatus having interface means for establishing a channel for data transmission between the present apparatus and another apparatus to transmit/receive stream data and data for control, a built-in or removable recording medium for recording received data, encrypting means for performing a scramble process of data to be transmitted and decrypting means for performing de-scramble process of received data, whereby key information for the scramble process or de-scramble process is interchanged by performing an authentication process between the present apparatus and the different apparatus for transmission and reception of stream data, data obtained by controlling the de-scramble process in accordance with copy control information added to the received stream data and information based on the

copy control information are recorded on said recording medium and stream data obtained by controlling the scramble process in accordance with information based on the copy control information read out of said recording medium and the copy control information are transmitted through said interface means, said stream data transfer method comprising the steps of:

creating key data for performing a scramble process of data read out of said recording medium and establishing a channel for data transmission necessary to transmit stream data from said interface means (see figure 6, element "Channel Key" of Traw et al.).

performing authentication between the present apparatus and a stream data transmission destination apparatus to cause said apparatuses to possess said key data in common, scramble-processing data read out of said recording medium by using said key data by means of said encrypting means and transmitting the scrambled data as stream data from said interface means onto said data transmission channel while adding copy control information to that data (see figure 6, elements 604, 606 of Traw et al.);

rejecting common possession of said key data based on a request for authentication made by an apparatus other than said transmission destination apparatus during transmission of the stream data carried out by using said transmission channel (see figure 6, element 604 of Traw et al.).

However, Traw et al. do not explicitly mention deleting said data after said data is read out.

ii. Severt et al. disclose an apparatus for providing results of electrical tests correlated with location information, where the results file manager deletes the data from the current result location (see column 10, lines 49-56 of Severt et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Severt et al. into the system of Traw et al. to delete the data when the data is read out.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Severt et al. into the system of Traw et al. to delete the data

when the data is read out, because multimedia application may include materials such as audio, video or graphic elements that are subject to copy-right or contractual restrictions as to use, distribution or the like (see column 1, lines 23-26 of Traw et al.).

Referring to claims 17-18:

Traw et al. and Severt et al. teach the claimed subject matter: A stream data recording and playback apparatus (see claim 16 above). Traw et al. further disclose transmitting to said transmission destination apparatus commands during transmission of said stream data, and receiving responses from the destination apparatus (see figure 6, element "Encrypted Content/Commands" of Traw et al.).

Referring to claim 19:

Traw et al. and Severt et al. teach the claimed subject matter: A stream data recording and playback apparatus (see claim 16 above). Traw et al. further disclose the indicator (see column 10, lines 19-21 of Traw et al.).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Yokota et al. (U.S. Patent No.: 6,788,604 B2) disclose a recording apparatus for facilitating data erasure operations involving data recorded on a recording medium.

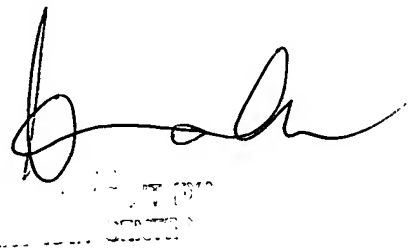
(b) Okuyama et al. (U.S. Patent No.: 6,256,390 B1) disclose a copy flag detecting circuit in a device detects the copy generation management information.

Conclusion

5, Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.



Joseph Pan
December 13, 2005